

# Notice of Allowability

Application No.

09/944,377

Examiner

Chris Parry

Applicant(s)

ROKUHARA, TSUTOMU

Art Unit

2614

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 November 2005.
2. ☒ The allowed claim(s) is/are 1 and 4-5 - (renumbered respectfully as 1-3).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1 and 4-5 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The art of record either alone or in combination fails to teach, disclose, or suggest the invention of claims 1 and 4-5 and in particular configuring a cable modem to determine at predetermined intervals while sequentially searching the frequency data from the frequency table, whether or not frequency data in accordance with the information saved in cache is matching the frequency of an incoming data signal. As to the closest art of record, Roeck generally discloses the process for detecting a downstream data carrier in a cable television plant by first checking with priority the most recently used transmission frequencies stored in cache memory by the CPU of the cable modem. If the downstream frequency does not match a recently used frequency stored by the cable modem, the modem begins to scan a frequency list stored in memory. However, it is unclear as to whether while the cable modem scans the frequency list sequentially, if at predetermined intervals scans the frequencies stored in cache at the same time as claims 1 and 5 recite. Further, Roeck generally discloses searching the cache of the cable modem for the most recently used frequencies to determine if a frequency matches the downstream signal from the cable plant. However,

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it is unclear as to whether while the cache is being sequentially searched, at predetermined intervals, the frequency list is searched to determine if the frequency matches the data signal as claim 4 recites.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,148,203 to Renko et al. – Discloses a method for finding a carrier signal when powering up a device by scanning frequencies listed in bandmaps stored in memory within the device. The method includes alternating between scanning a regional bandmap and the world wide bandmap.

U.S. Pat. No. 5,983,115 to Mizikovsky – Discloses a communication device locates a wireless service provider in a multi-service provider environment using a stored list of preferred service providers.

U.S. Pat. No. 5,937,351 to Seekins et al. – Discloses a method for establishing a wireless communications link in a reduced time.

U.S. Pub. No. 2001/0006892 to Barnett et al. – Discloses an apparatus for automatically programming frequency receivers.

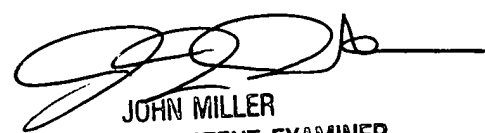
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLP  
December 28, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600